

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

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CLERK OF COURT

MICHAEL McGUIRE and ELAINE  
McGUIRE, and MICHAEL McGUIRE  
as Natural Father and Next Friend of  
COLLEEN McGUIRE, a Minor,

Plaintiffs,

vs.

LOUISVILLE LADDER GROUP LLC,  
Defendant.

No. C01-4063-PAZ

VERDICT FORM

We, the jury in the above-entitled case, return the following verdict:

Question No. 1 Was Davidson Manufacturing Corporation at fault on any of the  
following three claims? (Answer "yes" or "no" on each claim.)

(a) Design Defect

ANSWER: NO

(b) Manufacturing Defect

ANSWER: yes

(c) General Negligence

ANSWER: yes

If you answer "no" to all three of these questions, then do not answer any further  
questions on this verdict form. If you answer "yes" to any of these three questions, then  
answer Question No. 2, but only with respect to claims on which you have answered  
"yes" in your responses to Question No. 1.

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**Question No. 2** Was the fault of Davidson Manufacturing Corporation a proximate cause of Michael McGuire's damages? (Answer "yes" or "no" on the following claims, but only with respect to claims on which you have answered "yes" in your responses to Question No. 1. If you have answered "no" on a claim in Question No. 1, leave the answer blank with respect to the same claim below.)

(a) Design Defect	ANSWER: _____
(b) Manufacturing Defect	ANSWER: <u>yes</u>
(c) General Negligence	ANSWER: <u>yes</u>

*If you answer "no" in response to all three of the above questions, then do not answer any further questions on this verdict form. If you answer "yes" on either Question 2(a) or Question 2(b), then answer Question No. 3. If you answer "no" to both Question 2(a) and Question 2(b), but you answer "yes" to Question 2(c), then proceed directly to Question No. 4.*

**Question No. 3** Did Davidson Manufacturing Corporation comply with the state of the art in designing or manufacturing the stepladder (Answer "yes" or "no," except (1) if you have answered "no" to Question No. 1(a) or Question No. 2(a), then do not answer Question No. 3(a); and (2) if you have answered "no" to Question No. 1(b) or Question No. 2(b), then do not answer Question No. 3(b).)

(a) Designing (see Final Instruction No. 7)	ANSWER: _____
(b) Manufacturing (see Final Instruction No. 9)	ANSWER: <u>yes</u>

*If the following two things have occurred, then do not answer any further questions on this verdict form: (1) you have either left blank or answered "yes" to both Question No. 3(a) and Question No. 3(b); and (2) you have answered "no" to either Question No. 1(c) or Question No. 2(c). Otherwise, answer Question No. 4.*

Question No. 4 Was the plaintiff Michael McGuire at fault? (Answer "yes" or "no")

ANSWER: yes

*If you answer "no," then do not answer Question No. 5 or Question No. 6, and proceed directly to Question No. 7. If you answer "yes," then answer Question No. 5.*

Question No. 5 Was the fault of Michael McGuire a proximate cause of his damages? (Answer "yes" or "no")

ANSWER: yes

*If you answer "no," then do not answer Question No. 6, and proceed directly to Question No. 7. If you answer "yes," then answer Question No. 6.*

Question No. 6 Using 100% as the total of the combined fault of Michael McGuire and Davidson Manufacturing Corporation that proximately caused damages to Michael McGuire, what percentage of the total fault do you assign to Michael McGuire and what percentage of the total fault do you assign to Davidson?

ANSWER: Michael McGuire 50 %

Davidson Manufacturing Corporation 50 %

**TOTAL** **100%**

*If you find Michael McGuire was more than 50% at fault, then do not answer any further questions on this verdict form. If you find Michael McGuire was not at fault or was 50% or less at fault, then answer Question No. 7.*

**Question No. 7** State the amount of damages sustained by Michael McGuire for each of the following items of damage. Do not take into consideration any reduction of damages due to any fault of Michael McGuire. If Michael McGuire has failed to prove an item of damage, or has failed to prove that an item of damage was proximately caused by Davidson Manufacturing Corporation, enter "0" for that item.

(a)	Past medical expenses	\$ <u>115,677.14</u>
(b)	Future medical expenses	\$ <u>11,000</u>
(c)	Past loss of income	\$ <u>8,000</u>
(d)	Loss of future earning capacity	\$ <u>12,000</u>
(e)	Past pain and suffering	\$ <u>25,000</u>
(f)	Future pain and suffering	\$ <u>10,000</u>
(g)	Past loss of use of mind and body	\$ <u>194,640</u>
(h)	Future loss of use of mind and body	\$ <u>250,000</u>
<b>TOTAL (add the separate items of damages)</b>		\$ <u>623,677.14</u>

**Question No. 8** Is the plaintiff Elaine McGuire entitled to damages for loss of spousal consortium? (Answer "yes" or "no.")

ANSWER: yes

*If you answer "no," then do not answer Question No. 9, and proceed directly to Question No. 10. If you answer "yes," then answer Question No. 9.*

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<sup>1</sup>Reduce this number by the amount, if any, you find has been paid by Michael McGuire's homeowner's insurance policy.

**Question No. 9** State the amount of damages sustained by Elaine McGuire for loss of spousal consortium. Do not take into consideration any reduction of damages due to any fault of Michael McGuire. If Elaine McGuire has failed to prove an item of spousal consortium damages, or has failed to prove that such item was proximately caused by Davidson Manufacturing Corporation, enter "0" for that item.

(a)	Past loss of consortium	\$ <u>18,000</u>
(b)	Future loss of consortium	\$ <u>30,000</u>
<b>TOTAL (add the separate items of damages)</b>		<b>\$ <u>48,000</u></b>

**Question No. 10** Is the plaintiff Michael McGuire entitled to damages for loss of parental consortium on behalf of Colleen McGuire? (Answer "yes" or "no.")

ANSWER: no

*If you answer "no," then do not answer Question No. 11. If you answer "yes," then answer Question No. 11.*

**Question No. 11** State the amount of damages sustained by Colleen McGuire for loss of parental consortium. Do not take into consideration any reduction of damages due to any fault of Michael McGuire. If Michael McGuire, on behalf of Colleen McGuire, has failed to prove an item of parental consortium damages for Colleen McGuire, or has failed to prove that such item was proximately caused by Davidson Manufacturing Corporation, enter "0" for that item.

(a)	Past loss of consortium	\$ _____
(b)	Future loss of consortium	\$ _____
<b>TOTAL (add the separate items of damages)</b>		<b>\$ _____</b>

DATED this 30 day of January, 2003.

Has mailed on 1/30/03  
to counsel of record or pro se  
parties as shown on the docket  
sheet.

am  
Deputy Clerk